



## Chapter 30

## SUBDIVISION OF LAND

Article I. General Provisions

- § 30-1. Intent and purpose.
- § 30-2. Subdivision required.
- § 30-3. Definitions.

Article II. Application of Regulations

- § 30-4. Plat approval.
- § 30-5. Control over platting.
- § 30-6. Jurisdiction.
- § 30-7. Enforcement; violation and penalties.

Article III. Plat Procedures

- § 30-8. Conceptual plan.
- § 30-9. Preliminary plat.
- § 30-10. Final plat.

Article IV. Design Standards

- § 30-11. Character of land.
- § 30-12. Streets, alleys, and easements.

Article V. Improvements and Additional Requirements

- § 30-13. Development and improvement.
- § 30-14. Invalid portions and variances.

Article VI. Boundary Adjustment

- § 30-15. Application requirements.
- § 30-16. Boundary adjustment requirements.
- § 30-17. Boundary adjustment approval/recording.
- § 30-18. Planned unit development.

Article I. General ProvisionsSec. 30-1. Intent and purpose.

It is the intent and purpose of this chapter to promote orderly and systematic development of lands to the advantage of the subdivider, future property owners and the general population of the City of Cody. It shall establish guidelines and minimum standards to assist the subdivider and promote the development of a safe and healthy living environment. (Ord. No. 89-12, § 1(part).)

Sec. 30-2. Subdivision required.

(a) A subdivision will be required when the division of any parcel of land, other than a whole legal subdivision as defined below, into two or more pieces for the purpose of sale is desired.

(b) A subdivision will be required when the division of any parcel of land being a whole legal subdivision, into three or more pieces, for the purpose of sale is desired.

(c) The division of a whole legal subdivision into two pieces will not require a subdivision but will require a certificate of survey to be filed in the county clerk's office for record of such division.

(d) No tract of land that is not a whole legal subdivision may be divided in any manner unless and until the requirements of this chapter have been complied with. (Ord. No. 89-12, § 1(part).)

Sec. 30-3. Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning respectively ascribed to them by this section:

Alley. A public right-of-way primarily designed to serve as secondary vehicular access to the back or side of lots which have principal access on a platted street.

Area. Shall be the total square footage of land within a lot of a subdivision.

Block. A tract of land divided into lots bounded by streets and/or alleys.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body.

Boundary Adjustment. Modification of the size or alignment of adjacent parcels through relocation of their common boundary where an additional parcel is not created, and where the existing parcel which is being reduced in size is not reduced below the minimum lot size established by the zone which applies to the property, nor is any zone violation caused by moving the boundary.

City. Shall be the city of Cody.

Commission. Shall be the city of Cody Planning and Zoning Commission.

Conceptual plan. A sketch or drawing showing the location of the proposed subdivision, any zoning changes required, explanation of why the subdivision is to be done, and the proposed use of the subdivided lands.

Council. Shall be the city council for the city of Cody.

Cul-de-sac. Shall be a street having only one outlet and having one appropriate terminal for the safe and convenient reversal of traffic movement.

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Easement. Shall be any strip of land created by the subdivider for public or private utilities, drainage, sanitation: or other: specific uses having limitations, the title of which shall remain in the name of the property owner.

Floodplain. Shall be that area along a stream, river, or other natural waterway that is subject to potential flooding and extreme water table fluctuation on a seasonal basis.

Improvements. Shall be any street paving or resurfacing, curbs, gutters, sidewalks, water lines, water service lines, sewer lines, sewer service lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw lands into building sites.

Lot. A piece or parcel of land or assemblage of contiguous parcels of land, as established by survey, plat or deed, occupied by a single principal building or principal use and accessory building or uses thereto, having limited fixed boundaries, an assigned number, letter, or other name through which it may be identified, together with such open spaces as are required by city ordinances and having frontage on a dedicated public or private street.

Flag Lot – Any lot which has less than 50 feet of fee simple frontage on a public right-of-way unless part of a Planned Unit of Development. Flag lots shall not be allowed in the development of Subdivisions and Minor Subdivisions.

Front lot. Shall be that side of a lot abutting on a street and ordinarily regarded as the front of the lot. In the case of a corner lot the front shall be the same as the adjacent interior lot fronts.

Lot types:

(a) "Corner lot" shall be defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if the total central angle of that portion of the curve abutting the lot is greater than seventy-five degrees.

(b) "Interior lot" shall be any lot with only one frontage on a street.

(c) "Double frontage lot" shall be any lot other than a corner lot which has frontage on more than one dedicated public street.

Master plans. Shall be any plans for the orderly future development of lands, streets, water, sewer, storm sewer and all other utilities for public use that have been approved by the Cody city council.

Minor Subdivision – Any subdivision that the Planning, Zoning and Adjustment Board has determined shall facilitate isolated infill development within municipal boundaries and either: (1) revises the plat affecting not more than 5 lots previously created by said plat; or (2) creates 5 or fewer lots without requiring the creation of any new streets or the extension of water and sewer utilities or any new public improvements. The intent of this ordinance defining Minor Subdivisions as a specific category is to facilitate isolated infill within the Municipal boundaries. Approval of a Minor Subdivision shall rest upon finding by the City of Cody Planning, Zoning and Adjustment Board, as demonstrated by the applicant for a Minor Subdivision, that the intent of city regulations is achieved.

Monuments. Shall be any permanent concrete, metal or government survey marker used to establish definite lines of the plat of a subdivision, including all lot corners, boundary line corners, and all points of change in street alignment.

Open spaces. An open space to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, swimming pools, tennis courts, and other recreational facilities that the commission and council deem permissive. Streets, alleys and utility easements shall not be included.

Parks. Shall be any lot, group of lots, or tract, within the subdivision, dedicated to the city by the subdivider for public use to meet the open space requirement of the final plat.

Plat. Shall be a map or layout of a proposed subdivision indicating the location and boundaries of individual properties.

(a) "Preliminary plat" shall be the preliminary drawing or drawings, described in these regulations indicating the proposed layout of the subdivision lots and utilities to be submitted to the commission and council for approval.

(b) "Final plat" shall be the final map or drawing, described in these regulations, upon which the subdivider's plan of the subdivision is shown and presented to the commission and council for approval, and which, if approved, will be submitted to the county clerk for recording.

Right-of-way. Shall be a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the developer on the plat on which such right-of-way is established.

Street. Shall be a way of vehicular travel, dedicated for public use by the subdivider, developed to the dimensions and standards as established within the city master street plan. Streets shall be designed in accordance with accepted engineering practices with the minimum cross-section being as shown on the city of Cody standard construction detail sheet.

Street types:

(a) "Arterial streets" shall be major two or four-lane travel ways designed for the continuous flow of a large quantity of vehicles. The typical section shall be as shown in the master street plan.

(b) "Collector streets" shall be major travel ways other than arterial streets designed to gather or collect traffic from residential areas. The typical section shall be as shown on the master street plan.

(c) "Residential streets" shall be travel ways designed to carry the traffic and meet the parking needs of residential areas. The typical section shall be as shown in the master street plan.

(d) "Marginal streets" shall be minimal flow residential travel ways usually terminating with a cul-de-sac. Development of marginal streets by a subdivider will be actively opposed but may be permitted under extreme conditions. The typical section shall be as shown in the master street plan.

Subdivider. Any person, firm, partnership, joint venture, association or corporation participating as an owner, in the planning, platting, development, pro-motions, sale or lease of a subdivision.

Subdivision. Shall be the division of any lot, tract or parcel of land, as described in Sec. 30-2 of this chapter.

Utilities. Shall refer to services or products provided to a landowner by the city or a company for the benefit of the landowner such as natural gas, treated or raw water, sanitary and storm sewer, telephone, cable television, etc.

Vicinity map. A drawing located on the plat or plan which sets forth by dimensions or other means, the relationship of the proposed subdivision to other nearby developments or land marks and community facilities to better locate and orient the proposed subdivision.

Whole legal subdivision. Shall be defined as being any one of the following parcels of land:

(a) Any numbered fractional lot or nominal forty-acre aliquot part of a section of land as described under the original government survey or the government resurvey in accordance with the United States sectionalized land system;

(b) Any numbered homestead entry survey;

(c) Any numbered mineral survey.  
(Ord. No. 89-12, § 1(part); Ord. No. 98-1, § 1.)

## Article II      Application of Regulations

### Sec. 30-4.      Plat approval.

No final plat of a subdivision shall be approved by the commission or the council unless it conforms to the provisions of this chapter or variances granted under Sec. 30-15. (Ord. No. 89-12, § 1(part).)

### Sec. 30-5.      Control over platting.

(a) All plats of subdivisions of land requiring approval of the council shall be filed and recorded only after having been recommended for approval by the commission with such recommendation entered in writing on the plat and signed by the chairman of the commission, and after having been approved by the council with such approval entered in writing on the plat by being signed by the mayor and attested by the city clerk.

(b) No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed. (Ord. No. 89-12, § 1(part).)



Sec. 30-6. Jurisdiction.

(a) This chapter applies to all land located within the corporate limits of the city and all land located within one mile of the boundaries of the city, the subdivision of which requires approval of the council. This approval shall also be required on the placement of all improvements as well as the layout of the proposed lots.

(b) The following standards shall be applied by the city in determining whether to approve or disapprove plats of subdivisions located within one mile of the corporate limits of the city:

(1) Property that meets the requirements for annexation pursuant to state law will not be approved for subdivision without being annexed into the city.

(2) Subdivision of land which is not contiguous to the city but meets the other requirements for annexation pursuant to state law will not be approved for subdivision if it appears that intervening property owners are willing to join and cooperate in an annexation upon reasonable terms.

(3) Proposed development within one mile of the boundaries of the city shall otherwise conform to all of the subdivision requirements of the city, and the city shall further require a written enforceable and recordable agreement that all of the property within the area of such subdivision will be voluntarily annexed to the city upon request by the city when it becomes contiguous to the corporate limits of the city, and the improvements required by the city shall further be installed at the expense of the landowners of the subdivision and in accordance with city specifications at the time of annexation or when requested by the city. A statement outlining the above requirements shall be placed upon the proposed final plat.

(4) Such agreement shall further provide that all construction within the area of such subdivision shall conform with all ordinances, rules, and regulations of the city and be subject to inspection by the city, all as if it were located within the corporate limits of the city.

(5) All such developments within one mile of the boundaries of the city shall conform to the master plans, projected zoning expectations, and shall, upon request, participate as if it were located within the corporate limits of the city in all public health and safety measures of the city, such as, but not limited to, mosquito control, inspection of underground tanks for the storage of petroleum and other hydrocarbon products, disposal of dead animals, disposal of sewage and garbage, and other such regulations. (Ord. No. 89-12, § 1(part).)

Sec. 30-7. Enforcement; Violation and penalties.(a) Generally.

(1) It shall be the duty of the city to enforce these regulations and to bring to the attention of the city attorney any violation or lack of compliance herewith.

(2) No owner or agent of the owner, of any parcel of land located in a proposed subdivision, shall transfer or sell any such a parcel before the plat of which subdivision has been approved by the commission and the council, in accordance with the provisions of these regulations, and been filed with the county clerk and recorded.

(3) The subdivision of any lot, parcel or tract of land, by the use of a metes and bounds descriptions for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in this chapter.

(4) No building permit shall be issued by the city for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this chapter.

(b) Violation and penalties. Any person, firm, corporation, partnership or joint venture which fails to comply with, or violates, any of these regulations shall be subject to a fine of not more than seven hundred fifty dollars per day for each day the violation continues.

(c) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of the regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. (Ord. No. 89-12, § 1 (part).)

Article III. Plat Procedures.Sec. 30-8. Conceptual plan.

In order to properly evaluate a prospective area for subdividing, a conceptual plan may be prepared to a scale not less than one inch equals five hundred feet, extending at least one quarter mile surrounding the proposed subdivision, and displaying existing streets and highways, natural drainage courses, and any other major natural or manmade features of the area. In addition, existing and proposed major use areas for residential, commercial, industrial and public purposes shall be displayed on the plan. It shall also reflect any proposed zoning changes to be requested by the subdivider. This plan shall be presented to the commission prior to submission of the preliminary plat. Minor Subdivisions, as defined in Section 30-3 Definitions, shall be exempt from the Conceptual Plat requirements.

Sec. 30-9. Preliminary plat.

(a) Required. After the subdivider has evaluated the economic feasibility and has decided upon a design for the proposed subdivision, he shall prepare a preliminary plat and the required supplemental materials for presentation to and recommendation for approval of the commission.

(b) Purpose. The purpose of this preliminary plat is to check the proposed subdivision against the city design standards, improvement requirements and to insure that the proposed subdivision can and will conform to the city zoning ordinances and city master plans.

(c) Supplemental material presented with preliminary plat.

(1) Proof of ownership. The subdivider will be required to submit to the commission a certificate of ownership prepared by a licensed title insurance firm or the county clerk showing that he is indeed the owner of the lands to be subdivided.

(2) Easements and rights-of-way. Copies of all legally acquired and recorded easements and rights-of-way across the proposed subdivision must be supplied to the commission.

(3) The requests, in writing, for any variances to the zoning or subdivision regulations.

(4) Written application for a zoning change if required for the development of the subdivision.

(5) Such additional preliminary information as may be required by the commission in order to adequately describe proposed utility systems, including water line design, surface improvements, or other construction projects contemplated within the area of the subdivision.

(d) Procedure. The preliminary plat shall be processed as follows:

(1) Twelve copies of the preliminary plat and one copy of the required supplemental materials shall be presented by the subdivider to the city engineer or city building inspector not later than two weeks prior to the next regularly scheduled

meeting of the commission. At the time this material is presented, the subdivider shall be placed upon the agenda of the next regularly scheduled meeting. The two-week time period is required to allow for a proper review by city staff members.

(2) The subdivider and/or his representative will be required to be in attendance at the meetings of the commission and the council for which the proposed plat will be discussed. Failure of the subdivider or his representative to be in attendance will be grounds for the immediate tabling of the preliminary plat until the next regularly scheduled meeting.

(3) If the plat is conditionally approved or disapproved, reasons for such decision shall be given to the subdivider, in writing, along with recommendations for changes that would grant the plat approval.

(4) If a preliminary plat is recommended for conditional approval or disapproval by the commission the subdivider may request, in writing, further review and a hearing before the council.

(5) If additional time is required by the commission for proper review of the plat, the subdivider shall be notified in writing of the extension of the review period, which shall not exceed thirty days.

(6) If the recommendation of the commission to the council is for approval of the plat:

(i) The recommendation for approval shall be valid for a period of not more than one year from the date of the commission's recommendation. A six-month extension may be granted on the basis of unforeseen circumstances;

(e) Preparation. The preliminary plat shall be prepared as follows:

(1) The design shall show the subdividers actual plan for development and therefore shall be a true representation of the subdivision which eventually may be recorded.

(2) The drawing shall be made to a scale of not less than one inch equals one hundred feet. It may be on one or two sheets of a reproducible medium with outer dimensions not more than twenty-four inches by thirty-six inches and meeting the requirements of the county clerk for filing.

(f) Information. The preliminary plat shall contain the following information:

(1) The proposed name of the subdivision which shall not conflict with any existing recorded subdivision within the county.

(2) Location and boundaries of the subdivision as a part of some large subdivision or tract of land, tied to an official government survey.

(3) Names and addresses of the subdivider, the designer of the subdivision, and the engineer or surveyor (who shall be licensed by the Wyoming State Board of Registration for Professional Engineers and Professional Land Surveyors).

(4) Date of preparation, scale, and north arrow (designated as true north).

(5) Exact bearing and distance dimensions of the exterior boundaries of the subdivision closing to an order of accuracy better than one to five thousand along with the total acreage of the subdivision.

(6) All lands which the subdivider proposes to subdivide and all lands immediately adjacent to the proposed subdivision within two hundred feet, along with the names of all adjacent and adjoining record landowners within said two hundred feet.

(7) Location and principal dimensions of all proposed streets (including their names and typical cross sections), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses. Street dimension shall be in accordance with the city master street plan. Street names shall not conflict with any existing street names within or around the city.

(8) Contour lines will be required at an interval between two feet and ten feet for terrain with a slope less than thirty percent and ten feet intervals for terrain with a slope greater than thirty percent.

(9) Designation of areas subject to flooding due to a one hundred year storm.

(10) Site data including lot designations and approximate lot size.

(11) Proposed sites, if any, for multi-family residential use, business areas, industrial areas, churches and other nonpublic uses exclusive of single-family residential areas.

(12) Zoning on and adjacent to the subdivision.

(13) Names of any adjacent subdivisions.

(14) Location, size, grade, type of material and approximate depth of bury, where applicable, of existing utilities within and adjacent to the subdivision.

(15) Approximate location, size, grade, and type of material of all proposed utilities within and adjacent to the subdivision which shall be in conformance with the city master plans.

(16) A plan for surface runoff drainage which shall be connected to the existing city storm sewer system, where applicable, and in conformance with the city of Cody Storm Water Management Policy, as amended. Minor Subdivisions shall be exempt from this requirement. This does not exempt Commercial Subdivision Developments submitted under the Minor Subdivision regulations from the Site Plan requirements for compliance with the Storm Water Management Policy.

Sec. 30-10. Final plat.

(a) Procedure. After approval of the preliminary plat by the council and within one year of that approval, the subdivider shall present the final plat and all supplemental materials required according to these regulations, to the commission after it has been processed according to the following requirements:

(1) Not more than one year after approval of the preliminary plat by the council twelve copies of the proposed final plat shall be presented to the commission for approval and recommendation to the council. The copies of the plat and one copy of the supplemental materials shall be presented to the city engineer not less than two weeks prior to the next regularly scheduled meeting of the commission. This two-week period is required to allow for proper review by the city staff.

(2) Design of the final plat shall conform to the approved preliminary plat and shall include all changes specified thereon. The commission will review the final plat and its attached supplemental materials and make a recommendation of approval, conditional approval or disapproval to the council.

(3) The subdivider and/or his representative shall be required to be in attendance at the meetings of the commission and the council for which the proposed plat will be discussed. Failure of the subdivider or his representative to be in attendance shall result in the immediate tabling of the final plat until the next regularly scheduled meetings.

(4) When taking action on a proposed plat the written comments of the utility companies will be reviewed and considered along with comments from any other outside agencies and interested parties. Upon completion of the review the commission will recommend approval, conditional approval or disapproval of the plat to the council.

(5) If approval or conditional approval is recommended by the commission the subdivider may present the plat and supplemental materials to the council. Ten copies and the originals of the final plat and supplemental materials shall be delivered to the city engineer or building inspector not less than two weeks prior to the next regularly scheduled meeting of the council. This two-week period is required to allow for proper review by the council.

(6) If the final plat is conditionally approved or disapproved by the commission reasons for such action shall be given to the subdivider, in writing, along with recommendations that would grant the plat approval.

(7) After the final plat is approved by the council it shall be recorded in the office of the county clerk not less than one hundred days after the date of approval by the council, or the approval shall be considered null and void unless written application for an extension of time is made to and granted by the council. The ruling for an extension of time shall be made during a regularly scheduled council meeting.

(b) Supplemental materials presented with final plat.

(1) Water Rights. The subdivider shall provide with the final plat a statement from the state engineers office stating if there are any adjudicated, unadjudicated or pending applications for surface water rights within the proposed subdivision. If there are any surface water rights attached to the subdivision lands, the subdivider must either:

(i) Submit for review and approval an irrigation system that shall be constructed as part of the subdivision to utilize those water rights; or

(ii) Submit proof that; 1) all Cody Canal fees associated with acreage removal or consolidation have been paid and that all fees that would be levied on all lots in the subdivision have been paid for a period of 10 years from the date of final plat application; and 2) the subdivider has entered into an agreement with a Wyoming- licensed engineer or Wyoming- licensed land surveyor guaranteeing that all documentation required by the State Engineer's Office to transfer the water rights to the City of Cody and to change the use from irrigation to municipal shall be submitted to the State Engineer's Office within one year from the date of final plat application.

(iii) In the event that the water rights transfer and use change contemplated in Paragraph (b) is not completed within 10 years, the City of Cody shall assume responsibility for paying any subsequent Cody Canal fees.

(2) Utility company statements. Original letters or agreements from all concerned utility companies (telephone, cable TV, gas, electrical, irrigation districts, Wyoming Highway Department, water, sewer, etc.), commenting on the proposed plat shall accompany the final plat. These statements shall clearly define how the utilities will be installed, who will be responsible for each phase of their installation, etc.

(3) Three complete sets of approved plans and specifications for all improvements to be installed. These plans shall carry the stamp, seal, or signature of every federal, state and local agency or company that will be affected by said development and which should have reviewed said plans and specifications. These plans and specifications shall also carry the signature, stamp and registration number of the design engineer.

(4) If townhouses, condominiums or other comparable development is anticipated, the final plat shall be accompanied by covenants to run with the land and the necessary documents for the creation of a homeowners association, prepared in accordance with the requirements of the city, containing adequate provisions for the perpetual care and maintenance of those portions of the subdivision which are to be of common use or ownership, and specifically providing that no provision thereof may be modified, changed, added, or deleted without first having been approved by the city, and such documents shall be submitted for recording at the same time as the final plat.

(5) Satisfactory evidence of ownership of the lands proposed for the subdivision must accompany the proposed plat.

(c) Final plat preparation. The final plat shall be prepared as follows and contain the following information:

(1) The final plat shall conform to the layout of the approved preliminary plat, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording.

(2) The drawing shall be made to a scale of not less than one inch equaling one hundred feet, on a reproducible medium, with waterproof black ink, on one or two sheets having an overall dimension of twenty-four inches by thirty-six inches and meeting the requirements of the county clerk for filing. Good draftsmanship will be required to insure that all information is accurate and legible.



(3) The final plat shall contain the following information:

- (i) The proposed name of the subdivision;
- (ii) Scale, north arrow and date of preparation;
- (iii) Legal description of the property to be subdivided;
- (iv) Primary control points, or description and "ties" to control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred (bearing base shall be labeled as such);
- (v) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs or chords and central angles of all curves;
- (vi) Curve data for all property lines and changes in Street alignment showing the central angle, radius and arc length of the curve (The use of spiral curves for new construction will not be permitted);
- (vii) Right-of-way widths for each street, alley or other rights-of-way;
- (viii) Names or numbers for each street, which shall not duplicate the name or number of an existing street unless connection of the proposed street is to an existing street, shall be shown. All new streets shall be in conformance with the master street plan;
- (ix) Location, dimensions, and purpose of any easements;
- (x) Number to identify each block and all lots;
- (xi) Location and description of all monuments and property corners;
- (xii) Statement by owner dedicating streets, rights-of-way and any other sites for public use;
- (xiii) Certificate of surveyor or engineer certifying to the accuracy of the survey and the plat (order of accuracy greater than one to five thousand);
- (xiv) Certificate for recommendation of approval by the commission, certificate of approval by the council;
- (xv) The plat shall contain a vicinity map of a scale not more than one inch equals five hundred feet. Said map shall extend at least one fourth of a mile in all

(xvi) directions beyond the boundaries of the proposed subdivision. Such map shall show existing streets, highways, natural drainage courses and any other information as may be needed to properly locate the proposed subdivision. (Ord. 89-12, § 1 (part).)

#### Article IV. Design Standards

##### Sec. 30-11. Character of land.

(a) Land which the commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the commission, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses which shall not involve such a danger.

(b) Outside natural and cultural features such as scenic spots, watercourses and historic sites and buildings shall be preserved whenever possible.

(c) Where a residential subdivision borders a railroad right-of-way, a parallel street or buffer zone shall be established. (Ord. No. 89-12, § 1(part).)

##### Sec. 30-12. Streets, alleys, and easements.

(a) All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.

(b) All streets shall conform to the city master street plan for size and approximate alignment.

(c) Street jogs shall be prohibited unless, because of very unusual conditions, the commission and council determine that the offset is justified.

(d) Streets shall have a logical relationship to the topography.

(e) Intersections shall be at or near right angles whenever possible.

(f) Local streets will be designed to discourage thru traffic.

(g) Cul-de-sacs shall be permitted, providing they are no longer than five hundred feet, including the area at the end of said cul-de-sac, and further providing that the property line to property line diameter of the cul-de-sac be at least one hundred feet. Design specifications for curb, gutter, sidewalk and distance from property line to sidewalk shall be in accordance with the typical section of a residential street as defined by the master street plan. Surface drainage shall be towards the intersecting streets whenever possible, but may be out of the cul-de-sac through a drainage easement as a last alternative.

(h) Dead end streets and alleys (with the exception of cul-de-sacs) shall be prohibited unless they are designed to connect with future streets or alleys on adjacent lands that have not been platted. If a dead end street or alley is allowed, for the above reasons, a temporary turnaround shall be constructed for public use until the street or alley is extended.

(i) Half streets will be prohibited. Half alleys will be strongly discouraged. When a proposed half street is adjacent to another property it will be the developer's responsibility to reach an agreement with the adjacent landowner, acquire the required lands from the adjacent landowner to provide the land required to construct the full width street. No plat will be approved until a full width street right-of-way has been platted. When the full width for an alley cannot or will not be provided by the developer, he may be required to meet special requirements established by the commission depending upon the special conditions associated with the proposed development.

(j) Reverse curves on arterial and collector streets shall be joined by a tangent at least two hundred feet in length, residential and marginal streets and alleys shall have at least one hundred feet of tangent length between reverse curves.

(k) Street, alley and easement/right-of-way widths and grades shall be as follows:

	Minimum Right-of-Way Width	Minimum Grade	Maximum Grade
Arterial Street	100'	0.3%	7.0%
Collector Street	80'	0.3%	7.0%
Residential Street	60'	0.3%	7.0%
Marginal Street	46'	0.3%	10.0%
Alleys (See Sec 30-12 P)		0.3%	10.0%
Easements	20'	0.3%	10.0%
Pedestrian Ways and Crosswalks	10'		10.0%

Pedestrian ways and crosswalks may have a maximum grade more than ten percent if steps of an acceptable design are to be constructed.

(l) The minimum. length of vertical curves shall be as follows:

Arterial, collector and residential streets	Fifteen times the algebraic difference in the rate of grade.
Marginal streets and alleys	Seven and one-half times the algebraic difference in the rate of grade.

(m) Clear visibility, measured along the center line of the street shall be as follows:

Arterial Street	300 feet
Collector Street	200 feet
Residential Street	200 feet
Marginal Street	100 feet

(n) The minimum radius of curvature on the centerline of a street shall be as follows:

Arterial Street	300 feet
Collector Street	300 feet
Residential Street	200 feet
Marginal Street	100 feet

These are absolute minimums, greater dimensions will be encouraged in the interest of public safety.

(o) At any street intersection with an interior angle less than seventy degrees the property line shall be rounded with an arc of a minimum radius of ten feet and curbs shall be rounded with an arc having a minimum radius of ten feet plus the distance from the back of the curb to property line as established by the tangents to the intersection. For street intersections with an interior angle greater than seventy degrees the curb shall be rounded by a radius of 9.5 feet.

(p) Alleys shall be required in all subdivisions with the minimum width being twenty feet unless extreme conditions preclude the feasibility of alleys. A variance of up to four feet may be granted by the commission and council in a residential development if setbacks are provided for utility boxes, garbage cans, etc. Alleys shall be constructed with a minimum of six inches of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

(q) Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in Section 30-14(b) by the Planning, Zoning and Board and the Cody City Council. All waivers of curb, gutter, sidewalks shall require acknowledgement by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the Final Plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

(r) The minimum typical street cross-section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutters sections may be obtained from the city engineer.

(s) The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.

(t) The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All storm water system shall be designed to achieve Zero Increase in Runoff and shall be in compliance with the City of Cody Storm Water Management Policy, as amended. They shall be designed and constructed to allow

runoff and storm water to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city. Minor Subdivisions shall be exempt from this requirement.

(u) All lots within a proposed subdivision will meet the following requirements:

(1) Lots shall be sized to meet the requirements of the appropriate zoning.

(2) Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.

(3) Side lot lines shall be at approximate right angles to the street line on which the lot faces.

(4) Strip lots established with the intent of restricting access to streets or alleys will be prohibited.

(v) Blocks shall be at least three hundred feet long, normally, not to exceed six hundred sixty feet long. All blocks shall normally be of sufficient width to allow for two tiers of lots of approximately equal width and an alley. (Ord. No. 89-12, § 1(part).)

#### Article V. Improvements and Additional Requirements

##### Sec. 30-13. Development and improvement.

Any proposed subdivision that is within the corporate limits of the city or within one mile of the boundaries of the city or which has been proposed for annexation into the city shall be developed with the following improvements, in accordance with city standards and this chapter, at the subdivider's expense.

(a) As stated in § 30-5(b): No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed.

To insure that all improvements are in place and have been properly installed the following must be submitted to the city:

- (i) A statement from a Wyoming registered civil engineer that all improvements are in place and were constructed according to the approved plans and specifications;
- (ii) A statement from a Wyoming registered surveyor that all property corners and monumentation is correct and in place as depicted on the final plat;
- (iii) A complete set of reproducible "as constructed" plans;
- (iv) A copy of the daily construction diary kept during construction of improvements;
- (v) Copies of all tests run on construction materials and their placement during construction of the improvements;
- (vi) Depending upon the complexity and size of the proposed development and any other special conditions that may arise, a photographic log of the project may also be required;
- (vii) A statement from the subdivider guaranteeing the improvements for a period of one year from the date of acceptance by the city. Acceptance of the improvements will not be given by the city until all of the supplemental materials required above have been submitted to and accepted by the city.

(b) Survey monuments and property corners.

(1) Permanent survey monuments shall be set at all corners on the exterior boundary of the subdivision and at all intersections and changes of alignment of the centerline of all streets.

(2) Permanent survey markers shall be set at all lot corners, angle points and changes in alignment of all lot, tract or parcel lines within the subdivision.

(3) Monumentation of corners.

1. Monuments set for the monumentation of all exterior subdivision corners shall be either an eighteen inch long, two-inch diameter galvanized iron pipe set firmly in concrete with a brass screw set within the pipe in concrete to mark the exact location of the point or a standard brass cap firmly set in concrete and properly stamped including the surveyor's registration number.

(i) Monuments set for the monumentation of all exterior subdivision corners shall be a standard brass cap firmly set in concrete and properly stamped including the surveyor's registration number. Meander lines or irregular boundaries consisting of many short courses and distances may be monumented with a 5/8 inch x 24 inch rebar and cap if approved by the City Public Works Department prior to setting corners. Monument construction shall comply with and be as shown on the City of Cody Standard Street Construction Detail sheet.

(ii) Permanent survey markers for the monumentation of all lot corners, rights-of-way, easements, and any other points shown on the subdivision plat, used to reference property lines, shall be properly stamped 2 inch minimum diameter caps firmly set on a 5/8 inch x 24 inch rebar. The stamped cap shall contain an adequate description of the corner and identification of the surveyor.

(iii) Monuments for the monumentation of street centerline intersections or changes to street alignment shall be a standard brass cap firmly set in concrete flush with the finished roadway surface and properly stamped including the surveyor's registration number, or a 3½ inch standard brass tablet set in a square concrete collar and stamped as said above. Monument construction shall comply with and be as shown on the City of Cody Standard Street Construction Detail sheet.

(c) Curbs, gutters, and sidewalks shall be constructed along both sides of any proposed streets. If these improvements will not be abutting to existing similar improvements on the adjacent lands, it will be the developer's responsibility to prove that his proposed improvements will be compatible with the same improvements when they are placed on the adjacent lands. Examples; grades and depth of piping, drainage direction, street alignment, etc.

(d) Streets shall be designed and constructed according to accepted engineering practices and construction standards with the minimum cross-section being the city standard.

(e) Street name signs shall be installed at all intersections.

(f) Sanitary sewer shall be constructed according to city approved specifications and city construction standards and shall connect to the city system. It shall also be approved by all appropriate state and/or federal agencies. Each lot within the proposed subdivision shall be connected to a minimum eight-inch diameter sewer



main by a minimum four-inch diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. The use of individual septic systems will not be permitted when a sanitary sewer main is available. If in the city's opinion a larger sewer main is necessary to allow for future development of adjacent areas, an agreement may be entered into between the developer and the city whereby the city may help finance the oversized main. It will be the developer's responsibility to insure that the piping system for the proposed subdivision is connected to the city system.

(g) Storm sewer shall be constructed according to city approved specifications, separate from the sanitary sewer. When reasonably possible the storm sewer shall be connected to the existing storm sewer system.

(h) All water mains will be designed and constructed according to city approved specifications and the city standards. The system will connect each lot within the proposed subdivision to a minimum six-inch diameter main by the use of a minimum three-fourths inch copper service line. The service lines shall be extended from the main to the property line according to city standards. These mains will be connected to the city system. All water mains will be designed in accordance with the city plan, state, and federal regulations and designed to provide adequate flow and pressure under all conditions including major fire conditions. If in the city's opinion larger mains are necessary to allow for the future development of adjacent areas, an agreement may be entered into between the developer and the city whereby the city may help finance the oversized main. It will be the developer's responsibility to insure that the water piping system for the proposed subdivision is connected to the city system. The development of private or community wells for potable water will not be allowed within the corporate limits of the city.

(i) Fire hydrants shall be installed at intervals not to exceed five hundred feet between hydrants and provided with standard hose connections as specified by the fire department.

(j) All open drains and irrigation ditches shall be buried or if possible eliminated.

(k) All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys. Written agreements between the subdivider and each utility company, copies of which will be presented to the city with the construction specifications, shall be drawn up stating who will install the utilities and how the costs for their installation shall be covered. In the event an area is annexed and proposed for subdivision which already has an adequate electrical distribution system, the subdivider will bear all costs that may be accrued to alter the system to make it compatible with the

city system. It will be the developer's responsibility to insure that all utilities necessary or reasonably expected are placed within the proposed subdivision.

(l) Any other improvements, such as bridges, culverts, etc., not specifically mentioned herein but found necessary by the city due to conditions found on the site shall be constructed.

(m) Street lighting shall be installed according to the standards and requirements established by the city electrical commissioner, the cost of which will be borne by the subdivider.

(n) There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of 1 acre per 50 prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. This requirement shall be in addition to lands dedicated for streets and alleys. Prospective Commercial development densities shall be determined by developers with approval from the Planning and Zoning Board. Minor Subdivisions shall be exempt from this requirement. The dedication of land or cash-in-lieu of land shall be at the sole discretion of the city Council with recommendation from the Planning and Zoning Board and the Parks and Recreation Department. If subsequent rezoning or resubdivision would result in a higher number of prospective dwelling units, additional land or cash equivalent shall be conveyed to the City. If the city Council elects to require cash-in-lieu of land, the amount thereof shall be the fair market value of the land. If the city and the subdivider can not agree on that value, each shall designate an appraiser and the two appraisers so selected shall arrive at a recommended market value, which shall be binding upon the parties. This open space requirement shall be waived if the proposed subdivision is located in an area that has been previously been subdivided and the above requirement was satisfied at that time.

(o) These regulations and requirements shall apply to all property annexed into the corporate limits of the city except annexations initiated by resolutions of the council, and further shall apply to subdivision of property already within the corporate limits of the city. Every party petitioning for annexation shall specifically request that all city services including electrical service, be provided by the city to the area proposed for annexation. No city services shall be extended outside the corporate limits of the city.

(p) The subdivider shall retain a Wyoming registered engineer to inspect the construction of all new improvements or alterations to existing facilities. The engineer shall

provide the city with copies of all daily construction logs and materials testing results. Upon completion of the proposed improvements the engineer shall furnish the city a reproducible set of "as constructed" plans and specifications and a certificate signed by him, containing his registration number, certifying that all improvements have been constructed according to the "as constructed" materials.

(q) If annexation of a proposed subdivision is necessary as stated earlier in these regulations a closed description with an order of accuracy greater than one to five thousand must accompany the subdivision request. (Ord. No. 89-12, § 1(part).)

Sec. 30-14. Invalid portions and variances.

(a) If for any reason any part, section, subsection, sentence, clause or phrase of this chapter or the application thereof to any person or circumstances is declared to be unconstitutional or invalid such decision shall not effect the validity of the remaining portion of the chapter.

(b) If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this chapter will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this chapter, the commission and council may upon written request and proper justification grant a variance to this chapter so that substantial justice may be done and the public interest secured, provided that any such variance will not have the effect of nullifying the intent and purpose of this chapter.

(c) If conflicts arise between this chapter and any other section of the city codes the more restrictive regulation will govern the situation. (Ord. No. 89-12, § 1 (part).)

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Article VI     Boundary Adjustment.Sec. 30-15.     Application requirements.

Boundary adjustments, as defined in section 30-3 shall comply with the following:

(a) Pre-application conference. Prior to filing a boundary adjustment application, the applicant shall confer with the city engineer or his designee and submit a sketch of sufficient detail to make a preliminary decision.

(b) Application shall be made on form provided by the city and shall include name and address of the applicant, the existing legal description of the properties involved, and the reason for the boundary adjustment. The application shall be accompanied by the payment of all appropriate fees as set by the city council. (Ord. No. 98-1, § 2(part).)

Sec. 30-16.     Boundary adjustment requirements.

(a) Boundary adjustments require a property survey prepared by a licensed land surveyor that shows easements, buildings, utilities, encroachments, curb cuts and pertinent right-of-way improvements and shall contain a Title of "Boundary Adjustment Survey," a certificate for approval by the city engineer, a certificate of surveyor, a certificate of owner, and a clerk and recorder acceptance. A copy of such survey or plat shall be submitted with the application.

(b) The boundary adjustment survey shall identify the exterior boundaries of all properties involved in the adjustment and shall identify the receiving parcel as a single parcel including the property to be added. Revised legal descriptions of the parcels involved shall accompany the survey.

(c) The boundary adjustment survey and conveyance document shall contain a binding covenant that the land being conveyed is for the sole purpose of adjusting the boundary line between parcels and is not to be sold or transferred as a separate parcel by the grantee, heirs and assigns.

(d) If the boundary adjustment is to adjust boundary lines between lots within a recorded plat and the owners wish to retain the lot and block legal description of the recorded plat, an amended plat of the recorded plat shall

be submitted by a licensed land surveyor along with a plat certificate. The amended plat shall contain an acknowledgment certificate signed by all owners having title interest. The acknowledgement shall include that the "purpose of the amended plat is for adjusting boundary lines between the lots as shown." The amended plat shall contain a certificate for approval by the city engineer, a certificate of surveyor, a certificate of owner, and a clerk and recorder acceptance. (Ord. No. 98-1, § 2(part).)

Sec. 30-17. Boundary adjustment approval/recording.

(a) When the requirements of this chapter are met and meets the approval of the city engineer, the city engineer shall certify approval for the boundary adjustment. If the city engineer denies the application, the applicant may appeal the decision to the planning, zoning and adjustment board.

(b) The surveyor shall set the necessary monuments, record the survey with the county clerk and submit a copy to the city engineer.

(c) A boundary adjustment is not valid until the recording requirements of paragraph (b) have been complied with. (Ord. No. 98-1, § 2(part).)

Sec. 30-18. Planned unit development.

(a) Description.

(1) The planned unit development (PUD) is intended to provide a mechanism for land development through an overall, unified approach rather than the traditional lot-by-lot approach. This option encourages innovative approaches to land development by means of flexibility in design and land utilization in order to create an improved living environment, preserve the unique features of the site, and provide services in a more efficient manner. Unlike standard zoning classifications, the PUD allows for a variety of types of residential and/or commercial development and encourages appropriate mixes of residential product types.

(2) A PUD is developed as a single entity under a plan which may provide a variety of land uses, housing types and densities, and which provides design characteristics in addition to those ordinarily allowed by right or condition in the zoning district in which it is located. It is intended that each PUD will be a separate develop-

ment, having differing design characteristics for the uses and improvements, based upon a particular site situation.

(b) Intent.

(1) The intent of the planned unit development in Cody is: to encourage flexibility, innovation of design, and variety of development types in order to promote the most suitable use of a site and so that greater opportunities for housing, recreation, shopping, and employment may extend to all citizens of Cody.

(2) To facilitate efficient provision of streets, utilities, and municipal services.

(3) To encourage a functional system of pathways appropriate to the scale of a development.

(4) To achieve a compatible land use relationship with the surrounding area.

(5) To preserve the unique, natural, scenic, historical, and cultural features of the site.

(6) To develop and preserve usable common areas.

(7) To beautify and improve the quality of life in the City of Cody, Wyoming and to insure compliance with the city subdivision regulations and the city zoning ordinance.

(8) To encourage a high quality of design.

(9) To encourage the conservation of energy.

(10) To promote and encourage affordable housing.

(11) To avoid construction in unsuitable areas.

(12) To encourage creativity in design, including flexibility in residential siting to achieve energy conservation.

(13) To provide for a mix of land uses where enough land area is present to design an integrated neighborhood consisting not only of various types and densities of residences, but to include appropriate neighborhood related non-residential uses.

(14) To protect existing neighborhoods from the harmful encroachment of newer incompatible development by

allowing redevelopment of existing sites or in-fill of vacant property within developed areas through approval of a design plan. The design plan could reduce setbacks and other requirements to allow new residential or commercial development that matches the character of the surrounding existing neighborhood.

(15) To encourage patterns of development that decreases automobile travel and thereby reduces traffic congestion.

(16) To promote development patterns of residential, commercial, and office uses that will mutually benefit the developer, the neighborhood, and the community as a whole.

(c) Application and uses of a planned unit development.

(1) A PUD may be established in any residential or commercial zoning district. A PUD may be applied to any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels of ground. Any use or combination of uses may be allowed in a PUD provided such uses are consistent with the Cody master plan and the intent of this chapter.

(2) All PUDs shall consist of a harmonious arrangement of uses, buildings, parking areas, circulation, and common areas. Each PUD shall be designed as an integrated unit, in such a manner as to constitute a safe, efficient, and convenient development.

(3) Any PUD shall be considered as a conditional use within the zoning district in which it is to be located.

(4) The Cody city council retains final approval authority for all planned unit developments.

(d) Special conditions of a planned unit development.

(1) Single entity ownership. The tract of land involved shall be either in one ownership or the subject of an application filed jointly by the owners of all the property to be included.

(2) The approved final plan shall specify the manner of holding title to areas and facilities of joint use. Normally such areas and facilities shall be retained



in title by the developers of the development or deeded to an organization composed of all owners in the development.

(3) Use of general building and development standards. All PUDs shall be reviewed with consideration given to the established zoning and subdivision development regulations of the City of Cody. However, these regulations will be only used as a guide. Approval of a PUD shall rest upon a finding by the City of Cody, as proved by the applicant for a PUD, that the intent of city regulations is achieved.

(4) The City of Cody may establish general design standards, guidelines, and policies, for the purpose of implementing and interpreting the provisions of the PUD regulations.

(e) Absolute development standards.

These standards may not be varied for any project being developed and reviewed pursuant to this section.

(1) Minimum site area. A PUD shall consist of land area of a minimum of one acre in size; the planning, zoning, and adjustment board may permit a smaller land area with written approval. Minimum individual lot area, width, and yard requirements do not apply in a PUD.

(2) Common area. The size of the undeveloped land area to be retained as common area within the PUD shall be based upon the type of development, age group targeted within the proposed development, population density of the PUD, proximity to city parks, golf courses, and other similar recreational amenities, and the anticipated impact of the PUD on city services such as police, water, sewer, streets, sanitation, etc. Roadways and parking areas cannot be included in common area requirements. Refer to Appendix 3, landscape and common area plan, for specific requirements and guidelines. As a general guideline, a minimum of the following land areas should be retained as usable common area.

#### **Common Area Requirements For Planned Unit Developments**

Land Use Type	Minimum Common Area Requirement
Residential	20%
Commercial	15%
Industrial	10%

(3) Conformance to the master plan. Projects proposed pursuant to this section shall demonstrate substantial compliance with the Cody master plan in terms of furthering or helping achieve and implement the goals, objectives, policies, and recommendations contained therein.

(4) Conformance with other applicable regulations. Planned unit developments shall conform to all applicable regulations of the City of Cody and Wyoming State statutes, except as modified by this section.

(f) Flexible development standards.

All other development standards (those not specifically listed as absolute standards) such as street widths, density, structural height, setbacks, and required parking are open and flexible, and are to be established for each individual PUD based upon the criteria below.

(1) Front setbacks. Front setbacks are defined as the distance buildings are located from the facing street. Front setbacks shall reflect the general character of the neighborhood and standards of the zoning district in which the PUD is located. Front setbacks should be somewhat varied to avoid regimentation and monotony. The general purposes of front setbacks for the purpose of this PUD regulation are:

(i) Attractive streetscapes that provide a comfortable and pleasing pedestrian environment;

(ii) Functional common area; and

(iii) Light, air, and separation of the structure from the activity of the street.

(2) Side and rear setbacks. Setbacks for side and rear yards are critical factors in terms of neighborhood compatibility. Setbacks in a PUD should reflect those in the immediate neighborhood. The primary purposes of side and rear setbacks are:

(i) Function common area (primarily in rear yards);

(ii) To provide light, air circulation, and privacy;

(iii) To provide separation between buildings that allows for vistas, the use of shared space and visual or physical linkages to common areas;

(iv) To provide private outdoor space (primarily in rear yards); decks, patios, balconies, etc; and

(v) Fire protection.

While side setbacks may be reduced to zero in some urban settings, no setback shall be reduced to the extent that rain, snow, or snowmelt falls on to adjacent property. If the spacing between primary buildings is not equivalent to the spacing that would be required between buildings similarly developed under traditional zoning on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that which would have been obtained from the setback standards.

(3) Zero lot line conditions. Where an individual owns adjoining lots or where the owners of adjoining lots make legal written agreement, a zero lot line concept may be used for multi-unit developments. In all cases, a minimum of ten feet must be retained between separate structures.

(4) Density. The density of a PUD may exceed the density allowed by regulations for the zoning district in which it is located if the density proposed is appropriate and compatible with the existing neighborhood in terms of total population and bulk, scale, and massing of structures. Project density should not result in traffic or any other external impacts that will adversely impact the surrounding neighborhood or adjacent property. In a PUD, density is a function of the base standards, the type and mix of units proposed, and the character of the surrounding neighborhood. Overall density shall be calculated based upon net land area remaining after required parking and right of way have been provided.

(5) Height of structures. The structural height proposed should be in scale with the surrounding neighborhood. Structural heights should be appropriate to the terrain of the project site and to the type of unit(s) proposed. Generally, perimeter setbacks should increase with structural height, and taller structures should be located toward the interior of the site, or elsewhere if the potential for adverse impacts is lessened.

(6) Parking. Parking standards for PUDs shall be set on an individual, project-by-project basis. The City of Cody parking standards shall be a guide in determining appropriate standards. Parking demand is a function of the following factors:

- (i) Project location;
- (ii) Unit type;
- (iii) Size of unit;
- (iv) Width and type of street; and
- (v) Target market.

(7) Public and private streets. Standards for private streets may be reduced from City of Cody street standards provided that vehicle, pedestrian, bicycle, and resident safeties are not compromised. Street design shall be based upon the type and density of land use served, and total projected vehicle trips. Private streets will not be maintained by the City of Cody. Public streets must be built to city standards except that narrower pavement widths may be allowed.

(i) PUDs may contain private drives not built to city standards, for access to the buildings on site. In this instance all roadways must be dedicated easements for access of owners, law enforcement, and fire and emergency vehicles;

(ii) All PUDs with private roadways shall establish an owner's association and assessment schedule for maintenance fees which shall be recorded with the site plan; and

(iii) PUDs with lots sold to individuals shall be encouraged to dedicate and construct public roads that meet city standards except that narrower pavement widths may be allowed. The city will accept dedication of public roads and maintain these in accordance with city policy for all public roadways. Public roads are not considered part of a PUD site or required common area.

(8) Public sidewalks. All PUDs shall provide public sidewalks as required by the planning, zoning, and adjustment board during the review of the PUD. For development within existing neighborhoods, sidewalks shall be provided in a manner that is consistent and compatible with existing surrounding development.

(9) Architectural guidelines for commercial development.

(i) All convenience store and fast-food uses shall be designed in an architectural and design character

that is appropriate for and compatible with the PUD and neighboring area;

(ii) The planning, zoning, and adjustment board shall regulate use of standardized corporate identification themes integrated into the architectural design. Excessive use of such themes may be used as grounds for denial of the project; and

(iii) The elevation design of the building shall provide design character and detailing on all sides.

(g) Water and sanitary sewer system requirements.

(1) Whenever any building sites are created within the City of Cody and prior to the issuance of any building permits, a central water distribution and a sanitary sewer collection system shall be provided.

(2) These improvements shall be designed, constructed, and installed according to the standards and criteria as adopted by the City of Cody and approved by the Cody public works department and the Wyoming Department of Environmental Quality.

(h) Miscellaneous criteria for review of a planned unit development.

(1) Glare and lighting. Any lighting used to illuminate an off-street parking area, streets, signs or structures shall be arranged so as to deflect light down and/or away from any adjoining residential area. Lighting standards used within any residential PUD shall be of a height and design that is compatible with the adjacent development.

(2) Surface water ponding. Natural ponding areas shall be retained as much as possible. Run-off retention areas should be, if necessary, enlarged or modified as directed by the Cody public works department to restrict off-site run-off. All storm drainage or runoff modifications will require a design by a licensed professional engineer. Drainage computations, design calculations, and final report must be submitted to the Cody public works department for their review and approval.

(3) Common area. All PUDs shall provide functional common area and landscaped areas.

(4) Density. Proposed density shall be appropriate and compatible in terms of the surrounding neighborhood and the zoning district in which the PUD is located.

(5) Variety of residential unit types. As general criteria, PUDs are encouraged to provide a mix of appropriate dwelling unit types and sizes, or, provide a unit(s), which broadens the variety of available housing within the community, or, offer a unit(s) for which there is a recognized need. Large-scale projects that offer little or no diversity and variety of dwelling unit offerings may be denied on that basis.

(6) Historical and cultural resources. The PUD process encourages the preservation of historic and cultural resources. When encountered in the course of development or redevelopment, such resources should be preserved and incorporated into the project design to the extent possible, and in a manner that preserves the integrity and community value of the resource.

(7) Arrangement and design. Structures shall be separated and arranged to provide privacy and to allow opportunities for use of shared common area. Structures should be oriented to common areas such that common area is shared among units. The configuration of lots or units within the project shall provide each lot, unit, or building with a building site that is suitable when considering topography and other natural features. The development shall be compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character. Additionally, PUDs should enhance the sense of order, cohesiveness, and/or distinctive identity of the neighborhood in which they are located.

(8) Access. Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement. Points of access shall be located and designed to maximize vehicle and pedestrian safety. Access which forces relatively large volumes of traffic through lower density neighborhoods via minor streets shall be avoided. Generally no direct access from individual residential lots, units, or buildings in the PUD is allowed to collector or arterial streets. Direct access to arterial or collector streets from residential lots may be allowed in appropriate in-fill development and PUDs consisting of small land area that could not provide interior street circulation. Double frontage lots or buildings are not generally allowed except where necessary to limit vehicular access to

arterial roads; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site. Double frontage lots shall have an appropriate landscaped buffer between the unit and the arterial street.

(9) Circulation. The circulation system shall be designed to provide access to areas of the site that need to be accessible to vehicles (parking areas, garages, etc.). "Automobile free" areas and pedestrian only access areas are encouraged.

(10) Emergency access. Adequate access, approved by the Cody fire department and Cody fire marshal, to all structures by emergency vehicles shall be provided.

(11) Streetscapes. All planned unit developments with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances. Trash enclosures and dumpsters shall be landscaped and hidden from direct view.

(12) Pedestrian system. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and amenities, and principal off-site pedestrian destinations. Provision shall be made for pedestrian and bicycle travel in accordance with the Cody pathways master plan. Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.

(i) PUD application and review procedures.

Approval of a PUD shall consist of three procedural steps:

(1) Concept plan review and obtaining a PUD designation. This is an opportunity for applicants to discuss requirements, standards, and policies that apply to the proposed development and to identify major problems so that they can be resolved before a formal application is made. An initial discussion shall take place with the applicant, the public works director, and other appropriate city department representatives regarding the applicant's conceptual proposal and any requirements, standards, or policies that may apply. The general concept of the proposed PUD, presented as graphic sketch plans, shall be submitted by the applicant for review. The public works director shall furnish the applicant with written comments

regarding the conference. Applicants are required to present conceptual plans to the planning, zoning, and adjustment board. The planning, zoning, and adjustment board must designate the proposed subdivision as a PUD before being reviewed under this section.

(2) Submittal. A description of the proposed PUD must be submitted and shall contain:

- (i) A written explanation of the objectives to be achieved by the PUD;
- (ii) A written statement of the scope of the proposed development to include:
  - (A) Architectural theme;
  - (B) Uses of single-family and multi-family dwellings, townhouses, condominiums, commercial structures, and other proposed uses;
  - (C) Approximate size and number of lots;
  - (D) Availability of adequate or provision of adequate utilities, including raw water;
  - (E) Availability of adequate or provision of adequate new streets; and
  - (F) Statement of compatibility of proposed PUD with adjacent land uses.
- (iii) A graphic sketch plan describing the land uses to be permitted within each area;
- (iv) A common area landscaping concept graphically illustrating the location and character of, common area, recreational amenities, pathways, and other proposed site improvements; and
- (v) A proposed phasing plan.

(3) Preliminary plan approval.

(i) Application. Upon completion of the concept plan review, an application for preliminary plan review approval may be filed with the public works department. Submittal of sufficient information to permit review of the land use relationships, densities, the type, size, and location of the principal design elements of the PUD by the planning, zoning, and adjustment board. A PUD



that will be developed in phases must submit either a preliminary plan for all phases or else submit a plan for the initial phase or phases and submit development guidelines for all subsequent phases.

For unique circumstances or for proposals containing only one principal use, the public works director may permit the application for a final plan to be concurrent with the preliminary plan application.

(ii) All information required shall be submitted to the public works department. All submissions shall include:

(A) All applicable data required by the subdivision regulations of the City of Cody;

(B) All applicable information required by Appendix 1 (site plans), Appendix 2 (traffic impact analysis), Appendix 3 (landscape and common area plan), Appendix 4 (master utility plan), Appendix 5 (drainage study and site detention plan), Appendix 6 (common area maintenance plan), and Appendix 7 (PUD design objectives review forms);

(C) A list of abutting landowners of record and their addresses from the county assessor's office;

(D) A description of uses and activities proposed within each area, including the following:

- (1) The type, sizes, and mixture of dwelling units;
- (2) The acreage or square footage of each use, including parking, roadways, easements, rights-of-way, and recreational areas;
- (3) The number of off-street parking spaces;
- (4) Any other applicable restrictions such as building setbacks, structural height limits, access, grades, or widths of roads;
- (5) The overall density for the entire PUD, as well as the ratio of common area in areas to be developed, stated on a percentage basis, including the number of square feet;

(6) A written statement by a registered professional engineer, which shall describe the following:

(a) The proposed method and arrangement for connection to the municipal water system, and the projected usage and needs;

(b) The proposed method and arrangement for connecting to the municipal sewer system, and the projected usage and needs;

(c) The soil, geological, and ground water conditions of the site and the manner in which storm drainage will be handled; and

(d) The manner in which raw water or irrigation water will be provided.

(E) If the PUD is to be developed in phases, a description of each phase and an estimated date of completion for each phase. Any substantial change or alteration in the design of the PUD or completion schedule will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the City of Cody; and

(F) The applicant shall provide an estimate of water consumption and amount of sanitary sewer discharge based on the proposed land use plan.

(4) Review. The city engineering division will provide recommendations to the city planning, zoning, and adjustment board and to the Cody city council as to the compatibility and suitability of a project based upon the evidence submitted by the applicant. The design objectives review forms (Appendix 7) will be used in evaluating all PUD applications. The following shall be considered:

(i) Interrelationship of the proposed PUD to conditions on and off the property;

(ii) Conformance to the Cody master plan;

(iii) Traffic and parking impacts;

(iv) Land use;

(v) Pedestrian and vehicular ingress and egress;

- (vi) Architectural design and neighborhood compatibility;
- (vii) Landscaping and neighborhood compatibility;
- (viii) Utilities;
- (ix) Site drainage;
- (x) Common area;
- (xi) Grading;
- (xii) Conformance to the PUD regulations; and
- (xiii) Other related matters.

(5) Roads.

(i) PUDs may contain private drives built to private standards, for access to the buildings on site. In this instance all roadways must be dedicated easements for access of owners, visitors, law enforcement, and fire and emergency vehicles;

(ii) All PUDs with private roadways shall set up a homeowner's association and assessment schedule for maintenance fees, to be reviewed by the public works department and recorded with the final plat;

(iii) PUDs with lots sold to individuals shall be encouraged to dedicate and must construct public roads that meet city standards. The city will accept dedication of the roads and maintain these in accordance with city policy for all public roadways. Roads are not considered part of required common area.

(6) Hearing.

The planning, zoning, and adjustment board shall hold a public hearing on the preliminary plan at a regularly scheduled meeting with recommendations passed on to the Cody city council. The planning, zoning, and adjustment board shall recommend approval, conditional approval, or denial.

(j) Final plan review and approval.

(1) Application. Upon approval or conditional approval of a preliminary plan by the planning, zoning, and adjustment board, an application for a final plan approval may be submitted. A final application must be submitted within one year of preliminary approval.

(2) Review. The final plan must be in compliance with the approved preliminary plan and shall be reviewed and approved by the planning, zoning, and adjustment board and Cody city council following existing procedures as established in the Cody subdivision regulations. The following shall be considered:

(i) The final plan does not change the general use or character of the approved preliminary plan;

(ii) The final plan does not increase the number of residential dwelling units by more than ten percent from the preliminary plan;

(iii) The final plan does not decrease the common area provided on the preliminary plan by more than five percent from the preliminary plan or below the minimum common area requirements; and

(iv) The final plan complies with the intent of the Cody master plan.

(3) Approval. The planning, zoning, and adjustment board shall recommend approval, disapproval, or approval with additional conditions. The proposed PUD may be approved only if all of the following findings are made:

(i) That the proposed project substantially achieves the stated purposes (as applicable) of this section, and that it is an appropriate and legitimate application of the PUD process; and

(ii) That the proposed project is in substantial compliance with all applicable standards and criteria of this section; and

(iii) That the proposed project substantially meets the character objectives of preservation or enhancement of the zoning district and neighborhood in which it is to be located. Projects which are found to be out of scale and character with their surroundings will not be approved; and

(iv) That streets and intersections serving the project must be adequate to the size and scale of the

project. That the safety of motorists, pedestrians, and cyclists will not be jeopardized; and

(v) That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and

(vi) That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible.

(4) Phasing. Phasing of development and associated public and private improvements is permitted subject to an approved phasing schedule. If a PUD is intended to be developed over time in two or more separate phases, application for approval of a phased planned unit development shall follow procedures established for concept plan review as outlined in this chapter. After concept plan review is completed, phased PUDs may be proposed in accordance with one of two procedures:

(i) Application for simultaneous approval of all phases of the PUD. Where all phases of a PUD are planned in detail, an application for approval of all phases may be made. In such cases, preliminary plans and all required supplemental information shall clearly set forth phased development boundaries, schedules, and other details pertaining to the phasing of the project.

Upon approval of the preliminary plan for all phases of the PUD, each phase of the development may occur in accordance with the review and approval procedures for final plans as specified in this chapter.

(ii) Application for approval of an initial phase of the PUD with subsequent phases master planned. Where the applicant wishes to gain preliminary and final approval for the initial phase(s) of a PUD, and further wishes to gain master plan approval for subsequent phases of the PUD, preliminary and final plan review and approval procedures for the initial phase(s) shall be followed in accordance with this Chapter. A master plan for the remaining phases of the development shall be provided for review and approval.

(5) Minor adjustments. Minor adjustments to an approved PUD plan may be made and approved administratively, in writing by the public works department at the time a building permit is issued by the building department. Minor adjustments are those changes which may affect the precise dimension of buildings and the siting of

buildings, but which do not affect the basic character, use or arrangement of buildings, or the basic design, density or common area requirements of the development.

(6) Major adjustments. Major adjustments are those that substantially alter the character, use or arrangement of buildings, or the basic design, density or common area of the development. When, in the opinion of the public works director, any proposed change or adjustment constitutes a major adjustment, no building permit shall be issued without a review of an amended PUD by the planning, zoning, and adjustment board and approval by the Cody city council. Major adjustments from the final plan shall be defined as follows:

- (i) A change in the character of the development;
- (ii) An increase of greater than one percent in the approved number of dwelling units;
- (iii) An increase of greater than two percent in the improved gross leasable floor areas of retail, service, office, and/or industrial buildings;
- (iv) A reduction by greater than two percent in the approved common area, but not to be below the minimum Common area requirements;
- (v) A change in the location and placement buildings;
- (vi) An increase in the problems relating to traffic circulation and public utilities;
- (vii) Any change in the development that would normally cause the project to be disqualified under the City of Cody subdivision review and approval process;

(7) Duration of PUD approval. Within a maximum of two years following approval of a PUD, development must commence or the proposed development must be reviewed for renewal.

(8) Appendix. The PUD appendix contains the following required information sections:

- (i) Site plans;
- (ii) Traffic impact analysis;

- (iii) Landscape and common area plan;
- (iv) Master utility plan;
- (v) Drainage study and site detention plan;
- (vi) Common area maintenance plan;
- (vii) PUD design objectives review forms;
  - (A) All development;
  - (B) Residential;
  - (C) Commercial;
  - (D) Industrial.

(Ord. No. 2001-16.)

Cody City Code